

Allowance

1. Applicant's Appeal Brief filed December 30, 2009 is acknowledged. Claims 22-28 and 36-37 are pending. After further review and consideration claims 22-28 and 36-37 are allowed.
2. All rejections of record are withdrawn.

Examiner's Reasons for Allowance

3. The prior art neither teaches or discloses a method of reducing neurotransmitter release in a subdermal structure of a patient, the method comprising the steps of: (a) non-chemically disrupting the stratum corneum of the patient's skin to reduce impermeability of the stratum corneum and (b) applying a fluid to the patient's skin, (c) applying a transdermal patch to the skin of a patient in an area that had the stratum corneum disrupted in step (a), the transdermal patch comprising; i) a pharmaceutical composition comprising a stabilized botulinum toxin provided in a dried state and an enhancing agent that is mixable with the stabilized botulinum toxin provided in a dried state and facilitates transdermal administration of a botulinum toxin in a bioactive form to a subdermal target site of a human patient without being administered to the patient's circulatory system; and ii) an adhesive layer disposed to one side of the transdermal patch to removably secure the patch on the patient's skin; when the pharmaceutical toxin composition is incorporated into the adhesive layer; and (d) solubilizing the botulinum toxin provided in the dry state with the fluid, wherein solubilization of the

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botulinum toxin permits diffusion of the botulinum toxin from the adhesive layer into the patient's skin thereby reducing neurotransmitter release in a subdermal structure.

Status of Claims

4. Claims 22-28 and 36-37 are allowed.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANESSA L. FORD whose telephone number is (571)272-0857. The examiner can normally be reached on 9 am- 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on (571) 272-0756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanessa L. Ford/
Primary Examiner, Art Unit 1645
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